

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|----------------------|---|------------------------------|
| BRETT L. ROACH, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACT. NO. 2:08cv672-CSC |
| |) | |
| AKAL SECURITY, INC., |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM OPINION AND ORDER

In this action, the plaintiff, Brett L. Roach (“Roach”), alleges that he was wrongfully terminated from his employment and retaliated against because of his race, Native American. He brings his claims pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. (“Title VII”), and 42 U.S.C. § 1981. The court has jurisdiction of the plaintiff’s claims pursuant to 28 U.S.C. § 1331 and the jurisdictional grant in 42 U.S.C. § 2000e-5. Pursuant to 28 U.S.C. § 636(c)(1) and M.D. Ala. LR 73.1, the parties have consented to the United States Magistrate Judge conducting all proceedings in this case and ordering the entry of final judgment.

The scheduling order in this case set a June 2, 2009 dispositive motion deadline. During the plaintiff’s deposition on May 12, 2009, the plaintiff abruptly stopped his deposition and refused to continue. The court held a status conference with counsel on May 12, 2009. According to plaintiff’s counsel, the plaintiff left his deposition saying that he was “through.” As a result of that conference, the court directed the plaintiff to show cause on

or before May 27, 2009, why this case should not be dismissed for his failure to complete his deposition. To date, the plaintiff has filed nothing in response to the court's May 13, 2009 order. Given the plaintiff's actions at the deposition and his failure to respond to the order of the court, the court concludes that this case is due to be dismissed.

Accordingly, it is

ORDERED that this case be and is hereby DISMISSED with prejudice for the plaintiff's abandonment of his claims, his failure to prosecute this action and failure to comply with the orders of the court. It is further

ORDERED that costs be and are hereby TAXED against the plaintiff.

Done this 3rd day of June, 2009.

/s/Charles S. Coody
CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE